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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,578	01/21/2000	Robert J. Snyder	1752.0010002	4622

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EXAMINER	
HUYNH, BA	

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/488,578	SNYDER ET AL.	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/06 has been entered.

Additional Information Requirement

An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: Detailed descriptions of the product at each time it was offered to the public, starting from 1996 to one calendar year prior to the effective filing date of this application. Specifically, the completion of the invention as it is recited in the claims, at each stage when it was offered to the public at NAB97, the Infocom tradeshow and the Telecom tradeshow in 1997.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

Claim Rejections - 35 USC § 102

1. Claims 1-15, 18-24, 26-28, 30-32, 34, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,038, 573 (Parks).

- As for claims 1, 10: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27, 15:64-16:1, fig 4), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to produce the show (3:20-31; 8:33-35; 15:20-21; 15:64-16:1).

- As for claims 2, 11: A segment file can be added to a show file prior to executing a first production command within the group of production commands corresponding to the segment file (8:33-51, 8:60-61, 12:29-37, 12:52-54, 17:38-55).

- As for claims 3, 9, 12: A subsequent segment file can be irreversibly appended to the show file prior to executing a first production command within the group of commands corresponding to a preceding segment file (8:33-51, 8:60-61, 17:38-55).

- As for claim 4: The group of production commands corresponding to a subsequent segment file includes instructions for transitioning from the preceding show segment to the subsequent show segment (inherently included in Parks' teaching of multi-segment data structure).

- As for claims 5, 13: The show file is stored in a memory (7:1-4).

- As for claims 6, 14: Show segments are record for subsequent playback (inherently included), the record segment includes segment delimiter (10:19-22, 17:20-24).

- As for claims 7, 15: The segment delimiter includes starting point (17:20-24).

- As for claim 8: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to control the at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). A segment file can be added to a show file prior to executing a first production command within the group of production commands corresponding to the segment file (8:33-51, 8:60-61, 12:29-37, 12:52-54, 17:38-55).

- As for claim 18: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). The show segment can be distributed over a network (6:8-23, 17:60-63).

- As for claims 19, 22, 27, 30: Show segments are distributed to destinations upon request (6:8-23, 17:60-63).

- As for claims 20, 23, 24, 28, 34: The commands for selecting a show segment or related media for distribution over internet is inherently included in Parks' teaching of distributing the show to selected destination (1:25-33, 1: 60-63, 6:8-23, 17:60-63).

- As per claims 21, 31: Show segments are identified by delimiters enabling the selection of a segment for distribution (16:10-15).

- As for claim 26: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction

sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to control at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). Show segments include segment delimiter (10:19-22, 17:20-24).

- As for claim 32: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a human operator, and executing the one or more set of production command to control at least

one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). The show segment can be distribute over a network (6:8-23, 17:60-63). The commands for selecting a show segment or related media for distribution over internet is inherently included in Parks' teaching of distributing the show to selected destination (1:25-33, 6:8-23, 17:60-63).

- As for claim 35: Parks discloses a news story markup language that define timing information and machine control commands that is used to automate news broadcasting (abstract), thus it is inherently included that the distribution of the show segment is substantially at the same time as producing the show segment.

Claim Rejections - 35 USC § 103

2. Claims 16, 17, 25, 29, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #6,038,573 (Parks).

- As for claims 16, 17: Parks teaches a computer implemented method and corresponding system for producing a show comprising the steps/means for enabling creation of an instruction sequence for the show, wherein the instruction sequence defines one or more set of production commands for controlling at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21), the one or more sets comprising one or more segment files, each segment file comprising a set of production commands that, when executed, operates to produce a segment of the show (6:42-51, 6:59-7:7, 15:64-16:28, figs, 4 and 5), each segment file comprising script portions that include commands activated in relation to a script (7:8-33, 8:33-38) and non-script portions that include commands activated independent of a script (8:41-51, 10:23-27), each segment having a duration (13: 25-49), which is defined by execution of the instruction sequence under the control of a

human operator, and executing the one or more set of production command to control at least one production device (3:20-31; 4:20-26; 8:33-35; 15:20-21). Parks fails to clearly teach converting a verbal instruction to signals to enable the creation of the instruction sequence. However official notice is taken that converting a verbal instruction to signals to enable the creation of the instruction sequence is well known in the art of programming (see the incorporated US 6,211,869, 2:29-33, and US patent #6,185,538, 2:5-14, 4:25-34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of receiving verbal instruction and converting the verbal instruction to computer executable instruction to Parks. Motivation of the combining is for the advantage of voice input programming.

- As for claims 25, 29: Parks is silent regarding distributing a show segment over wireless communication. However Official notice is taken that implementation of distributing a show segment over wireless communication would have been obvious to one of skill in the art. Motivation of the combining is for the clear advantage of wireless communication.

- As for claim 33: Parks is silent regarding distributing an advertisement to the destination. However it would have been obvious to one of skill in the art, at the time the invention was made, to implement the distribution of an advertisement to the destination to Parks. Motivation of the implementation is for business promotion.

Response to Arguments

Applicant's arguments filed 1/12/06 have been fully considered but they are not persuasive.

REMARKS:

In response to the argument that Parks does not teach the commands for controlling at least one production device, the limitation is clearly disclosed by Park as set forth in the rejection (3:20-31; 4:20-26; 8:33-35; 15:20-21). Per Parks, the machine codes controls machines during broadcast (8:33-35). Elements of the NSML include elements for defining machine control elements for controlling a machine control server to automate control functions (15:64-16:1).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
8/6/06

BA HUYNH
PRIMARY EXAMINER